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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,969	07/07/2000	PETER MORITZ	P00.1252	4636

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EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/29/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Rel

Office Action Summary	Application No.	Applicant(s)	
	09/582,969	MORITZ, PETER	
	Examiner	Art Unit	
	Wen-Tai Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 12-25 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. Claims 12-19 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Nieminen et al.[WO-9800951].
4. Nieminen was cited in the previous office action.
5. As to claims 12-14, Nieminen teaches the invention as claimed including: a method for offering telecommunication service in an intelligent network [page 11, lines 14-21; i.e., Nieminen's Internet Service Borker also provides service for users connected via an intelligent network] comprised of a service logic [Fig.2], the method comprising:
 - implementing a first part of the service logic within a central unit [4, Fig.2; page 3, lines 17-20; page 10, line 19 – page 12, line 12];

- implementing a second part of the service logic outside the central unit [1-2, Fig.2; page 3, lines 20-27],

wherein the second part of the service logic is implemented in the telecommunication terminal equipment of a service user and a connection exists between the first part of the service logic and the second part of the service logic [Abstract].

6. As to claims 15-16, Nieminen further teaches that the connection between the first part of the service logic and the second part of the service logic uses an existing connection of the telecommunication terminal equipment with the central unit or at least a part of the connection of the first part of the service logic and the second part of the service logic utilizes an ISDN connection [page 1, lines 20-24].

7. As to claims 17-18, Nieminen further teaches that charge information is at least partly generated by the second part of the service logic, wherein the second part of the service logic sends a proposal for the charge information to the first part of the service logic, which then further processes the charge information [page 12, lines 30-35, wherein the charge information is related to the state/duration of connection].

8. As to claim 19, Nieminen further teaches that the first part of the service logic checks whether a charge proposal is acceptable when the charge proposal is received by the first part of the service logic, and initiates review of the second part of the service

logic when a result of this check is positive [page 14, lines 10-12; e.g., the ISB checks the balance of the user's account at the request of the service provider].

9. As to claim 21, Nieminen further teaches that the first part of the service logic checks whether a charge proposal is acceptable [e.g., whether the user has enough balance in his/her account] when the charge proposal is received by the first part of the service logic, and forwards the charge proposal to an entity responsible for billing when a result of this check is positive [page 13, lines 36-38].

10. As to claim 22, since the features of this claim can also be found in claims 12, it is rejected for the same reasons set forth in the rejection of claims 12 above.

Claim Rejections - 35 USC § 103

11. Claims 20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nieminen et al. (hereafter "Nieminen") [WO-9800951], as applied to claims 12-19 and 21-22 above.

12. As to claim 20, Nieminen does not specifically teach initiating the review of the second part of the service logic when the proposal for the charge information fails to arrive at the first part of the service logic.

However, Nieminen teaches that when a critical network error or a security break occur, the ISB may be arranged to terminate the ISB connection(s) and all currently active service programs [page 12 line 37 – page 13 line 12].

Thus, it is obvious to one of ordinary skill to have introduced a review process on the second part of service logic when the proposal for the charge information fails to arrive at the ISB, because failing to receive a charge information is an indication that a network error or security of breach may have occurred.

13. As to claims 23-24, Nieminen does not specifically teach using API or JTAPI to provide an interface for the exchange of IN messages between the first part of the service logic stored on the terminal equipment and the second part of the service logic stored in the central part of the intelligent network.

However, it is well known in the art that API or JTAPI are popular techniques for providing interfaces among distributed processes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply API or JTAPI in Nieminen's system these are proven techniques in a distributed server-client environment and by doing so it would enhance the efficiency of Nieminen's system.

14. As to claim 25, since the features of this claim can also be found in claims 12-14, 16 and 22-23, it is rejected for the same reasons set forth in the rejection of claims 12-14, 16 and 22-23 above.

15. Applicant's arguments filed on 1/13/2004 for claims 12-25 have been fully considered but they are not deemed to be persuasive.

16. Applicant argues in the remarks that (1) Nieminen is limited to a network environment involving the Internet with Server and Client architecture, while the pending claims are all limited to an intelligent network; and (2) Nieminen does not teach that a part of the service logic runs outside of the service control point (SCP).

17. Examiner respectfully disagrees with applicant's remarks:

1. As to point 1: Nieminen's ISB service clearly extends to intelligent network users [see paragraphs 2-3 of page 11]; and

2. As to point 2: it is noted that the term "service control point (SCP)" is not found in the claim language.

18. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

January 27, 2004

Wen-Tai Lin
1/27/04